

REMARKS

Claims 10-18 are pending in the application. Independent claim 10 has been amended by the present amendment. The amendment is fully supported by the application as originally filed (see, e.g., specification at page 14, lines 7-18 and page 16, lines 11-25).

As amended, independent claim 10 recites a data processing apparatus having a data storage unit including first and second storage sections, where "the first storage section is configured to store the input data temporarily and the second storage section is partitioned based on properties of the input data" (see, e.g., specification at page 14, lines 7-18). Independent claim 10 further recites a data control unit configured to transfer the stored input data from the first storage section to "the partitioned region of the second storage section according to the properties of the input data, wherein the input data stored in the first storage section is deleted from the first storage section after being transferred to the partitioned region of the second storage section" (see, e.g., specification at page 16, lines 11-25).

Claims 10-13 and 18 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication US 2003/0095284 to Parry in view of U.S. Patent Application Publication US 2004/0215525 to Keane et al. ("Keane"). Claims 14-16 were rejected under 35 USC 103(a) as being unpatentable over Parry in view of Keane, and further in view of U.S. Patent Application Publication US 2002/0174010 to Rice. These rejections are respectfully traversed.

Regarding the rejection of independent claim 1 over the proposed combination of Parry in view of Keane, the proposed combination does not teach or suggest a data processing apparatus including first and storage sections in which the first storage section stores input data temporarily, and transfers the input data to a partitioned second storage section, and where the input data stored in the first storage section is deleted from the first storage section after being transferred to the partitioned region of the second storage section.

For example, as described in paragraphs 0018 and 0023 of Parry, a print job is stored in an appropriate directory based on file name, file type, address, permissions such as a PIN number, and/or an identifier associated with the print job.

There is simply no teaching or suggestion in Parry of the claimed "first storage section" that stores input data temporarily. Further, there is no teaching or suggestion that input data is transferred from the first storage section to a partitioned second storage section, and then deleted from the first storage section *as claimed*.

On page 3 of the Office Action of 06/13/2008, it was admitted that the Parry reference does not teach or suggest "a data control unit for transferring the stored input data from the first storage section to the second storage section."

However, the Examiner indicated that "Official Notice" is being taken that "moving a stored file from one directory to another directory using a conventional drag and drop method is well known in the art."

As described in MPEP 2144.03, the Examiner is permitted under certain circumstances to take "official notice" of facts deemed well known in the art. However, as stated in MPEP 2144.03, these circumstances should be "rare" when the application is under final rejection. Further, as stated in MPEP 2144.03, official notice is only appropriate "where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known."

Under MPEP 2144.03 subsection C, it is possible to challenge the Examiner's assertion of official notice, where "an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art."

In the Office Action, it was alleged that "moving a stored file from one directory to another directory using a conventional drag and drop method is well known in the art."

However, independent claim 10 recites that a data control unit is configured to "transfer the stored input data from the first storage section to the partitioned region of the second storage section." While the Examiner's statement of official notice refers to a user-generated action (i.e., a drag and drop method), the claimed invention relates to a data control unit of a data processing apparatus, where the data control unit must transfer stored input data from the first storage section to a partitioned region of the second storage section, which is not taught or suggested by the Parry reference or any other known prior art.

Moreover, as stated in the Amendment filed on March 11, 2008: "However, there is no teaching or suggestion in Parry that a print job can be transferred between directories. In particular, in Parry, the directories correspond to particular attributes of print jobs, and there is no teaching or suggestion of a 'first storage section' which may only temporarily store data."

For at least the reasons discussed above, the proposed combination of Parry in view of Keane does not teach or suggest the Applicants' claimed invention. Therefore, independent claim 10 and dependent claims 11-18 are patentable over the proposed combination.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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Date: August 13, 2008

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